

REMARKS

At the outset, Applicant would like to thank the Examiner for the courtesy shown in conducting the personal interview with the undersigned attorney, William A. Blake, on August 27, 2003. As a result of the issues discussed during the interview, applicants have amended the claims.

In particular, independent claims 1 and 17 have been amended to specify that a first area is generated, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area. An acquisition of resources is then enabled from the resource collection area. As discussed in greater detail herein, these changes render moot both the rejections under 35 U.S.C. 112, first paragraph and under 35 U.S.C. 102 that are set forth in the Office Action, which was mailed April 24, 2003.

As also discussed at the interview, it is apparent that claim 12 contains allowable subject matter since no art rejections of claim 12 are present in the Office Action. Claim 12 has nevertheless been amended to overcome the rejection under 35 U.S.C. 112, first paragraph by employing the same area generating language used in claims 1 and 17.

Support in the specifications for the amendments to the claims is present at, for example, page 12, lines 1-2; page 13, lines 14-18; and page 16, lines 25-29, which recites:

“A PFG structure, when produced, would generate an area of influence about itself in a given radius. If no other PFGs are attempting to influence this area, then the PFG produces energy based on the total area under it's influence. If the areas controlled by PFGs overlap, then their energy production is reduced responsive to formulas analogous to that of a gravity model.”

Support is also found, for example, at page 13, lines 22-23, which recites:

“the first area overlapping at least a portion of the field, the overlapped portion of the field defining a potential resource collection area.”

Claim Rejections – 35 USC § 112

The Office Action rejected previously presented “claims 1-20 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification”...

Specifically, the Office Action asserted that the claimed subject matter “*the boundaries not being drawn in advance of the playing of the game*” as previously recited in each of the independent claims “is not supported in the original filed specification.”

For the record, applicants disagree with this rejection in view of the discussion, for example, at page 9, lines 6-8 and page 8, lines 17-20 taken in conjunction with the drawings that clearly show that the boundaries of the areas of influence are drawn as the game progresses and not in advance of the playing of the game. Nevertheless, in the interest of advancing prosecution of the subject application, applicants have now amended the claims to replace the noted language with “generating an area...” Thus, the rejection under 35 U.S.C. § 112, first paragraph is rendered moot and thus traversed by the present amendment.

Claim Objections – Informalities

The Office Action objected to the phrase “*may be*” in claims 4, 8, and 9. Claims 4-9, 12, 17, and 18 have been amended to replace the phrase “may be” with the term “*are*”. It is believed that the correction overcomes the informalities objections. Therefore, since claims 4, 8, 9 and 12-20 were only rejected under 35 USC § 112 and objected to as to informalities, it is clear that these claims are now in condition for allowance.

Claim Rejections – 35 USC § 102(b)

In the Office Action, claims 1-2, 5-7, 10, and 11, stand rejected under 35 U.S.C. 102(b) as being anticipated by Cordry et al. U.S. patent number 4,687,206 (“Cordry”).

In the rejection, the Examiner asserted that Cordry anticipates “the boundaries not being drawn in advance of the playing of the game (col 7, ll. 61-68 onto col. 8 l. 1)”. It should be noted that this is factually incorrect. Cordry’s “Global Domination Board Game” shows territories that are drawn and preprinted on a board in advance of the playing of the game. The cited paragraph only explains how players select territories, the boundaries of which are preprinted on the board. However, to render the issue moot, applicants have amended claim 1, for example, to recite *“generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area.”*

Clearly, Cordry does not have any capabilities for, does not anticipate or render obvious, the foregoing claimed subject matter. Therefore, the rejection of claims 1-2, 5-7, 10, and 11, under 35 U.S.C. § 102(b) is traversed.

It should also be noted that the various dependent claims recite other features that are neither disclosed nor suggested by Cordry. For example, with respect to dependent claim 2, the Office Action asserts that in Cordry “the boundaries of the area define a volume as seen in figures 1-2.” Merriam-Webster's Collegiate Dictionary defines a volume as “an amount of space occupied by a three-dimensional object”. The surface of Cordry’s “Global Domination Board Game” is an abstracted two-dimensional map. The game does not make functional use of a volume. More importantly, the Office Action ignores reading the dependent claim limitation in the context of the independent claim. In that context, the amount of resources that are acquired are responsive to a volume. Just how do the territories in Cordry define a volume from which resources are acquired? Cordry does not anticipate the methodology being claimed. Therefore, in particular, the rejection of claim 2 under 35 U.S.C. § 102(b) was and would be unwarranted.

While the Office Action rejected dependent claims 5, 6, 7, 10, and 11, under 35 U.S.C. § 102(b), the Office Action did not provide any explanation, reference, or support. Applicant cannot find in Cordry, for example, any teaching that *“the resources that are available is further responsive to a distance to, and a magnitude of, a means for the acquisition of resources”* as recited in dependent claim 7. For these reasons also, applicants traverse the rejection of claims 5, 6, 7, 10, and 11, under 35 U.S.C. § 102(b).

Claim Rejections – 35 USC § 103

Claim 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cordry in view of Swift U.S. patent number 5,971,395 (“Swift”). The Office Action asserts that “Swift teaches the steps of defining boundaries of a second area 134 overlapping a portion of a first defined area 30 (col. 5, ll. 6-19 and (col. 4, ll.15018).”

Swift’s 134 is not an area it is a wall. Further, its function of interfering with movement (“The game piece 16 may not move through a wall 134, 136”), does not anticipate *“a second area overlapping a portion of a first defined area”*, as was previously claimed.

Still further, if in fact there was a motivation to utilize Swift’s teachings onto the invention of Cordry, Swift’s wall 134 would interfere with movement from one region to the other. The combination would not have any relevancy to, and would not render obvious, the subject matter previously and presently claimed.

Nonetheless, the claim is now amended to call for *“generating a second area overlapping at least a portion of the resource collection area.”* The resource collection area resulting from *“generating, in direct response to an action of a player playing a game, a first area overlapping only a portion of a resource area, the overlapping portion defining a resource collection area”*.

Nothing in Cordry alone or in combination with Swift anticipates or renders obvious such structures or methodologies.

Therefore, the rejection of claim 3, under 35 U.S.C. § 103(a) is moot and should be removed.

Conclusion

Thus, each of the outstanding claims 1-20 recite useful, novel, nonobvious, and enabled inventions, clearly described in the specification, that offer advantages not anticipated or rendered obvious by Cordry, Swift alone or in combination. Therefore, it is believed that the outstanding claims are in condition for allowance. Accordingly, favorable reconsideration and allowance of the application are respectfully solicited.

By the above amendments and response, applicant has attempted to diligently respond to each of the principal issues raised by the Office Action and at the Office Interview. If a particular assertion or remark in the Office Action is deemed not to be directly or indirectly addressed, it should not be interpreted as indicating agreement with such an assertion or remark. For purposes of presentation, applicant's remarks have been provided in as simple a manner as possible, and do not embody the richness or breadth of the specification of the present inventions.

Respectfully submitted,

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